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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,735	06/27/2003	Donald J. Polak	03-087	7698

30058 7590 10/17/2005

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EXAMINER
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WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/608,735

Applicant(s)

POLAK ET AL.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/4/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This is the final Office Action for the serial number 10/608,735, ONE-PIECE MOLDED CLAMP, filed on 6/27/03.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 3,954,238 to Nivet in view of US Patent # 3,054,585 to Roberts et al.

Nivet teaches an adjustable one-piece molded clamp comprising a first jaw (2) having inward facing surface, an outward facing surface, a first end and a second end. The clamp includes a second jaw (2a) unitarily formed with the first jaw. The second jaw has an inward facing surface, an outward facing surface, a first end and a second end. The clamp comprises a tension strap (7) unitary formed with the first jaw. The clamp includes at least one protrusion (projection part on the opening edges of inner surface of first and second jaws). The surface is a body of a vehicle (col. 1, line 10). The clamp is made of a polymer (synthetic material, col. 3, lines 7-9).

Nivet teaches the outward facing surface of the second jaw but fails to teach the outward facing surface of the second jaw having at least two notches. Nivet further teaches the strap but fails to teach at least one through aperture. Roberts et al. teaches the outward facing surface of

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the jaw (13) having at least two angularly offset notches (15) and the strap (10) having at least one through aperture (11) for connecting one of notches. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Nivet's outward facing surface of the second jaw with at least angularly notches and strap with at least one through aperture as taught by Roberts et al. to provide adjustable support for the strap to secure variety shape of object within two jaws.

In regards to claim 5, Nivet teaches the second ends of the first and second jaws but fails to teach the second ends of the first and second jaws comprising means to mount the clamp on a surface. Robert et al. teaches the means (18-19) to mount the clamp on a surface. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added means to mount to Nivet's clamp as taught by Robert et al. to provide support for clamp to remain connected to the surface.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nivet in view of Robert et al. and in further view of US Patent # 6,496,094 to May III.

Nivet teaches the clamp but fails to teach the clamp is made of rubber. May III teaches the clamp (12) is made of rubber. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Nivet's clamp material to rubber as taught by May III to provide designer's preference of material to be used for clamping an object.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nivet in view of Robert et al. and in further view of US Patent # 3,848,839 to Tillman.

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Nivet teaches the clamp but fails to teach the clamp is made of synthetic rubber. Tillman teaches the clamp (11) is made of synthetic rubber. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Nivet's clamp material to synthetic rubber as taught by Tillman to provide designer's preference of material to be used for clamping an object.

***Allowable Subject Matter***

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach the tension strap extends from the inward facing surface of the first jaw.

***Response to Arguments***

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III  
Examiner  
Art Unit 3632  
10/12/05

